



{In Archive} new spreadsheet
Josh Lewis to: stephen_lehrman

10/07/2011 12:01 PM

Archive: This message is being viewed in an archive.

Arkansas info starts on p. 125:

<http://www.epa.gov/crossstaterule/pdfs/UnitLevelAllocNPRM.pdf>

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550



Archive:

{In Archive} PDF of the EPA boiler air toxics standards letter to your boss

Josh Lewis to: stephen_lehrman

02/23/2011 12:23 PM

This message is being viewed in an archive.



pryor.pdf

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 23 2011

THE ADMINISTRATOR

The Honorable Mark L. Pryor
United States Senate
Washington, D.C. 20510

Dear Senator Pryor:

The 1990 amendments to the Clean Air Act directed the Environmental Protection Agency to issue emissions standards for hazardous air pollution from large stationary sources, including industrial, commercial, and institutional boilers and process heaters ("boiler air toxics standards"). I am writing to update you on the Agency's long-overdue work to carry out that Congressional mandate.

The EPA finally proposed boiler air toxics standards for public comment last June. After another eight months of work, and in order to comply with an order issued by the U.S. District Court for the District of Columbia, the Agency issued the boiler air toxics standards two days ago. As explained below, however, existing sources will not need to make any changes immediately.

A large number of businesses and other institutions submitted comments on the proposed standards that the EPA published last June. Those comments contained voluminous data that the Agency did not have at the time it crafted the proposal. The new data has proved highly relevant to the EPA's essential tasks of (1) organizing the multitude of boilers and process heaters into appropriate subcategories and (2) calibrating the standard for each subcategory to the emissions control that well-performing existing facilities within it are achieving already.

Consequently, the standards that the EPA just issued reflect significant changes that the Agency made to the original proposal. For example, the EPA --

- has established a solid-fuel boiler subcategory in recognition of the lack of clear technical distinction between boilers that burn coal and boilers that burn biomass;
- has provided additional flexibility for existing biomass boilers by increasing the carbon monoxide limit and establishing work practice standards for startups and shutdowns;

- has ensured that the standards for all of the various air toxics can, in practice, be met by an individual unit, even though the Agency followed its historical approach of calculating minimum standards on a pollutant-by-pollutant basis; and
- has reduced compliance costs by requiring tune-ups, in lieu of setting numeric emission limits, for boilers and process heaters that use natural gas (or other gaseous fuels – from refineries, landfills, or other sources – that meet mercury and hydrogen sulfide specifications similar to those of natural gas).

Changes such as those listed above render the issued standards about half as costly to meet as the proposed ones would have been. The issued standards nonetheless will protect enormous numbers of American adults and children from harm by reducing their exposure to air toxics such as mercury and lead, which have adverse effects on IQ, learning, and memory.

The health benefits are particularly important for people living in communities close to the affected facilities. The analyses accompanying the standards find that for every dollar spent to comply with the standards, the public will receive at least fifteen to thirty-six dollars in health protection and other benefits. The standards will also reduce concentrations of ozone and fine particles, thereby avoiding, in the year 2014 alone –

- 2,500 to 6,500 premature deaths;
- 1,600 cases of chronic bronchitis;
- 4,000 nonfatal heart attacks;
- 4,300 hospital and emergency room visits;
- 3,700 cases of acute bronchitis;
- 78,000 cases of respiratory symptoms;
- 310,000 days when people miss work or school;
- 41,000 cases of aggravated asthma; and
- 1,900,000 days when people must restrict their activities.

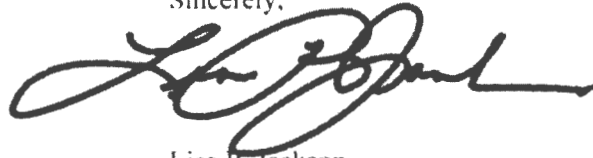
Finally, it is important to note that, even when the EPA does not count the jobs created in manufacturing and installing pollution control equipment, the Agency estimates that the new standards will, on balance, create 2,200 new jobs.

I am proud of the work that the EPA has done to craft protective, sensible standards for controlling hazardous air pollution from boilers and process heaters. The standards reflect what industry has told the Agency about the practical reality of operating these units. I am also, however, sensitive to the fact that the standards issued earlier this week are substantially different from the ones on which the public had an opportunity to comment last year. To the extent that the standards contain provisions that stakeholders could not have anticipated based on the proposal, the public deserves an opportunity to comment on those changed provisions. The additional comments will give the EPA a means of ensuring that it has not, in changing the proposed standards substantially, effectuated any results that the Agency did not anticipate or intend.

Therefore, the EPA will solicit and accept comments from members of the public who would like the Agency to reconsider aspects of the standards that have changed significantly and unexpectedly from the proposal. Existing sources are not required to comply with the standards until three years after they become effective, and parties may request that the EPA delay the effective date as part of the reconsideration process.

I hope that this update has been helpful. If you have any questions, please do not hesitate to contact me or to have your staff contact David McIntosh, the Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-0539.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a stylized, flowing script.

Lisa P. Jackson



{In Archive} RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Josh Lewis to: Lehrman, Stephen (Pryor)

10/06/2011 04:58 PM

Archive: This message is being viewed in an archive.

Yes, that works. Probably only need about 5 mins of your time.

Josh

"Lehrman, Stephen (Pryor)"

Hi Josh - I am out tomorrow but workin...

10/06/2011 04:40:13 PM

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 10/06/2011 04:40 PM
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Hi Josh - I am out tomorrow but working some from home. I can call around 11:45 am if that works. Thanks.

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

g.p.le

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]
Sent: Thursday, October 06, 2011 4:25 PM
To: Lehrman, Stephen (Pryor)
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

All of our folks on the Cross State rule have been tied up w/ the proposed amendment package that was released earlier today (you should have received an email earlier today from Pat Haman w/ more information on it). Now that the package is out I should be able to get them focussed on the request below. Are you around tomorrow for a brief call to discuss this? My schedule's pretty open so call whenever.

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

From: "Lehrman, Stephen (Pryor)"
<Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 10/04/2011 10:48 AM
Subject: RE: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Thanks.

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

Ex. 6

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]
Sent: Tuesday, October 04, 2011 10:33 AM
To: Ganesan.Arvin@epamail.epa.gov
Cc: Haman.Patricia@epamail.epa.gov; Lehrman, Stephen (Pryor)
Subject: Re: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

I'll start gathering the right folks...will be in touch to set something up.

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

From: Arvin Ganesan/DC/USEPA/US
To: Stephen_Lehrman@pryor.senate.gov
Cc: Josh Lewis/DC/USEPA/US@EPA, Patricia
Haman/DC/USEPA/US@EPA
Date: 10/03/2011 09:11 PM
Subject: Re: Cross State Air Pollution, Utility MACT,
and
Regional
Haze regulations

Yes. That sounds great. I'm cc'ing Josh and Pat, who can help get the right people in the room. Thanks.

-----"Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
wrote: -----
To: Arvin Ganesan/DC/USEPA/US@EPA
From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
Date: 10/03/2011 05:13PM
Subject: Cross State Air Pollution, Utility MACT, and Regional Haze regulations

Hi Arvin - thanks for the briefing this morning. I would like to schedule time to talk with you about these regulations. I met this afternoon with AEP/Swepco who operates the Flint Creek plant and is building Turk in Arkansas. I am trying to arrange a meeting with Entergy. I have calls in to the Arkansas Dept of Environmental Quality and I plan to talk with our Arkansas Public Service Commission.

I have reviewed the data on the spreadsheet
<http://www.epa.gov/airtransport/pdfs/UnitLevelAllocData.xls>

How do I figure out what is Flint Creek's seasonal NOx compliance obligation? Assuming their compliance obligation exceeds their 1747 ton allocation, from where does EPA think they can buy allowances? What does EPA estimate will be the price to buy an allowance ton? What is the penalty if Flint Creek does not submit enough allowances to meet its compliance obligation.

AEP/Swepco also thinks that Turk will not have enough allocation to meet its seasonal NOx compliance obligation. I find this difficult to believe since Turk should be a state-of-the-art ultra-supercritical boiler. According to AEP/Swepco the Air Quality Control Systems included in the plant design consist of low nitrogen

oxides (NOx) burners with close-coupled over-fire air and selective catalytic reduction system for control of NOx; a spray dryer absorber flue gas desulfurization

(FGD) system and a pulse-jet fabric filter baghouse for sulfur dioxide and particulate control; and activated carbon injection to reduce mercury emissions. With all this emission control technology you would think they would have allowances to spare/sell.

Let me know when we can talk. Thanks.

Stephen Lehrman

Office of Senator Mark Pryor

Legislative Assistant



RE: Csapr questions
Lehrman, Stephen (Pryor) to: Josh Lewis

11/07/2011 07:59 AM

A couple of other questions.

4. What years has Arkansas had to comply with CAIR?
How has Arkansas complied with CAIR? What have they
had to do?

5. Plum Point in Osceola AR is not on the
UnitLevelAllocData. This is a relatively new
merchant (LS Power) coal plant. Why is it not
included?

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

SL

-----Original Message-----

From: Lewis.Josh@epamail.epa.gov [
mailto:Lewis.Josh@epamail.epa.gov]
Sent: Monday, November 07, 2011 7:09 AM
To: Lehrman, Stephen (Pryor)
Subject: Re: Csapr questions

Sam Napolitano and I will call you at 8:30, if that
works for you.

----- Original Message -----

From: "Lehrman, Stephen (Pryor)"
[Stephen.Lehrman@pryor.senate.gov]
Sent: 11/06/2011 02:24 PM EST
To: Josh Lewis
Subject: Re: Csapr questions

Would like to talk to you early in the day. Anytime
after 8 am. Call my direct 228 3063. Thanks.

----- Original Message -----

From: Lewis.Josh@epamail.epa.gov [
mailto:Lewis.Josh@epamail.epa.gov]
Sent: Sunday, November 06, 2011 02:10 PM
To: Lehrman, Stephen (Pryor)
Subject: Re: Csapr questions

Hi Stephen,

Probably would be easiest to get on the phone
tomorrow to discuss these...is there a time block
that works for you?


Josh Lewis
USEPA/Office of Congressional and Intergovernmental
Relations

phone: 202-564-2095
fax: 202-501-1550

-----"Lehrman, Stephen (Pryor)"
<Stephen_Lehrman@pryor.senate.gov> wrote: -----
To: Josh Lewis/DC/USEPA/US@EPA
From: "Lehrman, Stephen (Pryor)"
<Stephen_Lehrman@pryor.senate.gov>
Date: 11/06/2011 07:57AM
Subject: Csapr questions

1. What are the rules for intrastate and interstate trading?
 2. What are the rules for borrowing allowances from future years?
 3. What is the compliance date for states like Arkansas that are ozone season only?
- Thanks. Stephen



Re: CSAPR and Cement MACT 
Josh Lewis to: Lehrman, Stephen (Pryor)

10/27/2011 12:44 PM

For our call later today, on the CSAPR front....

We have facility level info as part of our IPM analysis. At the following site, towards the bottom you'll see a link for unit-level "parsed files": <http://www.epa.gov/airmarkt/progsregs/epa-ipm/transport.html>

Though a couple of important things to note: The information here reflects a unit-level breakdown of what our least-cost system projection yielded. It does not reflect how each unit may determine its own compliance pathway under CSAPR. Since CSAPR doesn't have any unit-specific or facility-specific emission reduction obligations, the affected sources will have to surrender enough allowances to cover total emissions during the control period, but the operator may acquire however many allowances they desire based on their preferred operational strategy, which will take into account the market cost of emitting each ton (as represented by the market allowance price for the given pollutant). Therefore, our modeling projections are informative insofar as they show how our modeling determined state-level emissions in connection with electric power sector operations at key cost thresholds on the covered pollutants, but we did not use the unit-level projections to determine any regulatory requirements under CSAPR.

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Hi Josh -Do you have time Thursday o... 10/27/2011 08:27:46 AM

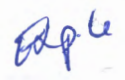
From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 10/27/2011 08:27 AM
Subject: CSAPR and Cement MACT

Hi Josh -Do you have time Thursday or Friday afternoon to talk about CSAPR and Cement MACT? With regard to CSAPR, I am trying to figure out how our utilities will be able to meet their compliance obligation for 6 operating coal EGUs in Arkansas. I have been told that EPA has modeled at the facility level how all of the covered EGUs can comply. I would like to get this model information. I have also been told that many EGUs have banked allowances and I want to find out if the Arkansas utilities have done this.


With respect to Cement MACT, we have 1 operating cement plant in Foreman AR by Ash Grove. I want to find out what Ash Grove will have to do to this plant to comply with Cement MACT. I talked to Dave Berick who told me that the Ash Grove Durkee OR plant installed state-of-the-art emission control systems before the Cement MACT rule became final but that the plant probably cannot meet the Cement MACT requirements. Dave said EPA is working with Ash Grove on an agreement whereby Ash Grove will reduce emissions at its other plants in order to compensate for Durkee.

Thanks.

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

A handwritten signature in blue ink, appearing to read "S. Lehrman", is positioned below the printed name.



Re: WSJ Editorial - Utility MACT 
Josh Lewis to: Lehrman, Stephen (Pryor)

12/07/2011 12:31 PM

It's not technically true on the benefits #s because it ignores the PM co-benefits. More generally on the editorial, although we didn't formally respond to the editorial I think we'd take exception w/ other parts of it. One being the NERC study referenced. Here's a letter our deputy sent to NERC prior to the report's release.



Final Signed and Dated Letter.pdf

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

"Lehrman, Stephen (Pryor)"

Thanks. Is the editorial technically tru...

12/07/2011 12:23:13 PM

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 12/07/2011 12:23 PM
Subject: Re: WSJ Editorial - Utility MACT

Thanks. Is the editorial technically true or not?

----- Original Message -----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]
Sent: Wednesday, December 07, 2011 12:21 PM
To: Lehrman, Stephen (Pryor)
Subject: Re: WSJ Editorial - Utility MACT

Looks like they pulled the \$6.1 million from the RIA for the proposed rule (see page 5-2 of the RIA...posted at:
<http://www.epa.gov/ttn/ecas/regdata/RIAs/ToxicsRuleRIA.pdf>)

Though it's worth noting that our RIA for the proposal concluded that the overall benefits of the rule are much larger than the \$6.1 million due to the co-benefits of fine particle reductions. We estimate the health benefits associated with reduced exposure to fine particles are \$59 billion to \$140 billion in 2016 (2007\$).

Happy to talk more if necessary

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 12/07/2011 08:22 AM
Subject: WSJ Editorial - Utility MACT

Yesterday's WSJ editorial on Utility MACT stated "Keep in mind that the EPA estimates that the benefits to society from the mercury reductions in the utility rule max out at \$6.1 million total" What is the basis for this amount and is it accurate? Thanks.
<http://online.wsj.com/article/SB10001424052970204262304577068643772900890.html>

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

Sp-6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 25 2011

DEPUTY ADMINISTRATOR

Mr. Gerry W. Cauley
President and Chief Executive Officer
North American Electric Reliability Corporation
1120 G Street, N.W.
Suite 990
Washington, D.C. 20005-3801

Dear Mr. Cauley:

I am writing to express our concerns about your upcoming report that, according to the North American Electric Reliability Corporation (NERC), addresses potential reliability impacts of several U.S. Environmental Protection Agency (EPA) rulemakings. You recently shared with us a nearly final version of that draft report and took the time to answer some of our questions. While we at the EPA are appreciative of the ongoing conversations and respect NERC's role, and we have yet to see the final report, I wanted to write to reiterate the concerns we raised with your staff on the draft report.

NERC issued a similar report in 2010 which the EPA and other outside groups – including the independent, non-partisan Congressional Research Service – noted did not accurately portray the EPA's regulations or the likely outcomes for the electric grid. Based on our recent conversations with you it appears that your 2011 report may contain many of the same faulty characterizations of our rules.

As you know, many of the rules in question are years or even decades overdue. They will also yield massive public health benefits – the recently finalized Cross State Air Pollution Rule alone, for example, will prevent 34,000 thousand premature deaths and 400,000 cases of aggravated asthma per year.

The EPA has conducted analyses of the potential reliability impacts of the Cross State rule and the Mercury and Air Toxics Standards, and will conduct similar analyses prior to finalizing any other rule that may impact the power sector. Our analyses indicate that these rules do not threaten capacity reserve margin targets either nationally or regionally. Other analyses like those by the Bipartisan Policy Center have similarly concluded that "scenarios in which electric system reliability is broadly affected are unlikely to occur." This confirms what we have experienced in the 40 years under the Clean Air Act – 40 years of instituting public health standards without once compromising power companies' ability to keep the lights on in communities across the United States.

While NERC speculated about two EPA rules (for mercury and air toxics and cooling water intake) for your 2010 report, those rules have now been proposed and are in the public sphere. It is of concern that your current analysis does not accurately reflect the contents of these proposed rules.

First, the draft report incorrectly assumes the mercury and air toxics rule will impose requirements significantly stricter than our actual proposal. It appears to assume that companies with uncontrolled coal units will uniformly adopt the most expensive controls possible to comply with the standards (FGD and fabric filters), rather than selecting the most cost-effective technology that works for their facility. Even so, the principal reliability issues the analysis purports to identify are not related to the EPA's air rules. Instead, most of the facility retirements are attributed to the 316(b) cooling water intake rule – a rule which has yet to be finalized. With regard to the 316(b) rule, your draft report largely repeats the flawed assumptions from your 2010 report by assuming the EPA's final 316(b) rule will be far more stringent and costly than the rule the EPA has actually proposed.

As the August report by the non-partisan Congressional Research Service noted, "The [2010] NERC analysis assumed that mandatory cooling tower retrofits would be required by 2018...", clarifying that in the EPA's actual 316(b) proposal we "declined to mandate closed-cycle cooling universally and instead favored a less costly, more flexible regulatory option." Your "stringent" case appears to continue to assume that the EPA's cooling water intake rule will lead to 100% of units installing closed cycle cooling despite the fact that the EPA rejected this option in its proposal. Even the so-called "moderate" case requires cooling towers on 75% of affected capacity – even though the EPA's rule specifically allows permitting authorities to consider cost, remaining useful life, and impacts on reliability in determining what technology to require. This "moderate" case assumes states would require cooling towers even if this would lead to plant retirements that cause reliability problems.

In addition, the draft report you shared with our staff appears to assume that all facilities must comply with the 316(b) rule's requirements by 2018. As described in our actual proposal, facilities have up to 8 years (to 2020) to comply with the first part of the standard (primarily by installing fish-friendly screens, not closed cycle cooling) and even longer for the second part of the standard that involves detailed consideration of cost and any potential effects on reliability.

Your draft report also assumes that no one takes any action to address potential reliability issues when, in reality, the industry, grid planners and regulatory authorities have a strong track record of successfully identifying and addressing shortfalls in electric generating capacity – through construction of new generation, upgrades to the transmission system, and demand-side measures. Your current analysis simply assumes that the federal and state governments would let facilities that are critical to grid reliability close and that no one would step in to pick up the shortfall -- an outcome that flies in the face of our 40 years of implementing the Clean Air Act and the Clean Water Act.

NERC's draft report describes an extreme outcome that arises from a scenario where the most stringent and costly rules imaginable took effect, and no one at the federal, state, or local level took any steps to ensure the continued reliability of the grid.

Fortunately, the EPA's analysis and several external analyses show that, where the EPA's actual rules are accurately characterized, there is no adverse impact on capacity reserves in any region of the country. If isolated, local reliability challenges were to emerge due to individual plant retirements, the Clean Air Act and Clean Water Act provide flexibility mechanisms to ensure that sources can be brought into compliance over time while maintaining reliability. We have reached out to NERC, RTOs, State regulators and other stakeholders and will continue to work with you and those entities to ensure the continued reliability of the electrical system.

I would reiterate that the EPA is appreciative of our ongoing dialogue, and I hope that we can continue to engage in substantive conversations in the future; however, given that your report is about to be released – and given my understanding of the report's current mischaracterizations of our rules – I find it necessary to write to you to underscore our deep concerns with this product.

I would be happy to discuss this or other issues of mutual concern and look forward to continued conversations.

Sincerely,

A handwritten signature in black ink that reads "Bob Perciasepe". The signature is written in a cursive, flowing style with a large initial "B".

Bob Perciasepe



RE: EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Josh Lewis to: Lehrman, Stephen (Pryor)

06/25/2012 03:55 PM

Yes, that's my understanding.

Note there's language in the preamble where we're also taking comment on a shorter extension. Here's the text...

The EPA also solicits comment on a shorter extension. The industry here is not starting from scratch. There should be ongoing planning to meet the standards promulgated in 2010 which could shorten the time needed to come into compliance with these proposed revised standards (should the EPA adopt them). Moreover, as explained below, we calculate that sources will need to design controls to meet virtually the same average performance for PM under the proposed standard of 0.07 lb/ton clinker (Method 5) as they would under the promulgated standard of 0.04 lb/ton clinker (30-day average). Again, this could dovetail with on-going compliance efforts and shorten the time needed to come into compliance with a revised standard. Consequently, the EPA solicits comment on a compliance extension until September 2014 (1 year from the current compliance date). This type of extension would recognize that additional time for compliance is needed, and accommodate cement kilns' operating cycle (leaving winter months for control equipment deployment), but recognize that the industry is not starting from scratch. Commenters should take into account that individual sources could still apply to permit writers for an additional extension of one year under section 112 (i)(3)(B) in instances where it is not possible to install control equipment within the specified period.

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

"Lehrman, Stephen (Pryor)"

Josh - thanks for sending this info. Qu...

06/25/2012 02:48:59 PM

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 06/25/2012 02:48 PM
Subject: RE: EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Josh - thanks for sending this info. Question: Can a State still grant an additional year under CAA Section 112(i)(3)(B)?

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant

Connect with Senator Pryor:
<http://www.pryor.senate.gov>



From: Josh Lewis [mailto:Lewis.Josh@epanail.epa.gov]
Sent: Monday, June 25, 2012 1:26 PM
Subject: EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

See below for a news brief and fact sheet regarding the proposed reconsideration of our cement standards. The pre-publication version of the proposal is on the web at: <http://www.epa.gov/ttn/oarpg/ramain.html>

EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Proposal would maintain significant air toxic reductions, while making cost-effective changes to provide greater flexibility for industry

WASHINGTON — In response to a federal court ruling and data from industry, the U.S. Environmental Protection Agency (EPA) is proposing changes to its 2010 air standards for the Portland cement manufacturing industry. The proposal would continue the significant emission reductions from the 2010 standards while providing industry additional compliance flexibilities, including more time to implement the proposed updates by extending the compliance date for existing cement kilns from September 2013 to September 2015.

In December 2011, the U.S. Court of Appeals for the D.C. Circuit determined that EPA's standards were legally sound, but asked the agency to account for rules finalized after the cement standards were issued. The proposed updates to certain emissions limits, monitoring requirements and compliance timelines – which are expected to result in additional cost savings for industry - are being made in response to this court remand and petitions for reconsideration of EPA's 2010 final rule, which will dramatically cut emissions of mercury, particle pollution, and other air toxics from cement production.

Based on new technical information, EPA is proposing to adjust the way cement kilns continuously monitor for particle pollution and would set new particle pollution emissions limits and averaging times to account for these changes. The proposed rule would not apply to kilns that burn non-hazardous solid waste; those kilns would be covered by other standards. The proposed extended compliance date would allow industry to reassess their emission control strategies in light of the proposed changes to the PM limits and monitoring methods.

EPA will accept comment on the proposed changes for 30 days after the proposal is published in the Federal Register. The agency will hold a public hearing if requested to do so. EPA will finalize the rule by December 20, 2012.

(See attached file: Cement.Proposal Fact Sheet.6.25.12 FINAL.pdf)

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550



RE: SO2 NAAQS

Josh Lewis to: Lehrman, Stephen (Pryor)

08/03/2012 02:36 PM

yes - here's a link to the pre-publication version of the Fed Register notice, and a fact sheet.

<http://www.epa.gov/so2designations/regs.html>

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" Thanks. Is this somewhere on the EP...

08/03/2012 02:24:27 PM

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 08/03/2012 02:24 PM
Subject: RE: SO2 NAAQS

Thanks. Is this somewhere on the EPA CAA or SO2 NAAQS websites? Please send me a link if possible.
Stephen

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]
Sent: Friday, August 03, 2012 2:22 PM
To: Lehrman, Stephen (Pryor)
Subject: Re: SO2 NAAQS

Yes - we extended for up to one year the deadline for determining which areas meet the 2010 air quality standards for SO2. Final designations would be due by June 2013 for all areas. Though we intend to address designations in areas where monitoring data show violations of the standard sooner.

The extension was signed by the Administrator on July 27th. We didn't do a formal press release or other notification on it.

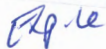
Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

"Lehrman, Stephen (Pryor)" ---08/03/2012 01:51:45 PM---Has EPA recently made an announcement about delaying the SO2 NAAQS? Thanks. Stephen Lehrman

From: "Lehrman, Stephen (Pryor)" <Stephen_Lehrman@pryor.senate.gov>
To: Josh Lewis/DC/USEPA/US@EPA
Date: 08/03/2012 01:51 PM
Subject: SO2 NAAQS

Has EPA recently made an announcement about delaying the SO2 NAAQS? Thanks.

Stephen Lehrman
Office of Senator Mark Pryor
Legislative Assistant



Connect with Senator Pryor:

<http://www.pryor.senate.gov>





**Information on final amendments to the emission standards for RICE
(reciprocating internal combustion engines)**

Josh Lewis to:

01/15/2013 09:55 AM

"Knutsen, Kelly (Reed)", Spencer_gray, Aaron_Suntag,
Bcc: Adam_durand, Adrienne_Wojciechowski, Alice_Yates, Ali_Nouri,
Carrig_balderston, Chris_adamo, Clare_Sierawski, Clayton_Allen,

Attached are 2 fact sheets - one gives a general overview of the final amendments, the other is specific to the emergency engine provisions . Please keep this information close hold until our press release is issued (currently planned for 11 am).



RICE -- Overview Fact sheet final.pdf RICE -- emergency engine Fact Sheet final.pdf

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

January 15, 2013

FACT SHEET

FINAL AMENDMENTS TO THE EMISSION STANDARDS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

ACTION

- On January 14, 2013, the Environmental Protection Agency finalized amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE).
- In this rulemaking, EPA addressed several petitions for reconsideration, legal challenges and new technical information submitted by stakeholders, including industry and environmental groups, which were brought to the EPA's attention after publication of the 2010 standards.
- The final amendments will ensure that the standards are cost effective, achievable and protective.
- The final revisions will reduce the capital and annual costs of the original 2010 rules by \$287 million and \$139 million, respectively, while still reducing 2,800 tons per year (tpy) of hazardous air pollutants (HAP); 36,000 tpy of carbon monoxide; 2,800 tpy of particulate matter; 9,600 tpy of nitrogen oxides, and 36,000 tpy of volatile organic compounds.
- Pollutants emitted from diesel engines are known or suspected of causing cancer and other serious health effects including:
 - Aggravation of respiratory and cardiovascular disease
 - Changes in lung function and increased respiratory symptoms
 - Premature death in people with heart or lung disease
 - Neurological, cardiovascular, liver, kidney health effects, and also effects on immune and reproductive systems.
- Stationary engines generate electricity and power equipment at industrial, agricultural, oil and gas production, power generation and other facilities. EPA estimates there are over 1 million of these engines in the U.S., and this rule will apply to some of these engines.
- The final amendments generally apply to the following:
 - engines typically used in sparsely populated areas for oil and gas production
 - engines in remote areas of Alaska
 - engines scheduled to be replaced in the next few years due to state or local requirements, and certain engines installed in 2006
 - engine testing requirements for formaldehyde emissions
 - engines for offshore vessels operating on the Outer Continental Shelf
 - engines used in emergency demand response programs

- CI engines are compression ignition engines that use diesel fuels. SI engines are spark ignition engines that use mainly natural gas and gasoline fuels.
- EPA is also revising the new source performance standards (NSPS) for stationary internal combustion engines (ICE) to ensure consistency with the RICE NESHAP. In particular, specifying how the NSPS standard will apply to emergency engines used for demand response purposes.

AMENDMENTS

Area Source Stationary Spark Ignition Engines Above 500 HP

- These engines are typically natural gas powered engines that are used to power equipment for oil and gas production.
- EPA is replacing numerical emission limits for existing area source stationary spark ignition (SI) 4-stroke engines above 500 horsepower (HP) that are located in populated areas with requirements to install catalytic controls, conduct an initial test and annual performance checks of the catalyst, and equip the engine with a high temperature shutdown device or monitor the catalyst inlet temperature continuously.
 - Populated areas are defined as not being on Department of Transportation (DOT) Class 1 pipeline segments or having more than 5 buildings within 0.25 mile radius of the engine.
- EPA is specifying that existing area source stationary SI 4-stroke engines above 500 HP that are not located in populated areas are subject to management practices.
 - Unpopulated areas are DOT Class 1 pipeline segments or having 5 or fewer buildings within 0.25 mile radius of the engine.

Remote Areas of Alaska

- EPA is expanding the definition of remote areas of Alaska beyond those not on the Federal Aid Highway System.
- This amendment addresses issues unique to Alaska residents who have more energy supply challenges and face harsh weather conditions.

Engines scheduled to be replaced in the next few years due to state or local rules, and certain engines installed in 2006

- EPA is amending the RICE NESHAP to:
 - Allow Tier 1 and Tier 2 certified stationary CI engines, that are scheduled to be replaced due to state or local rules, to meet management practices until January 1, 2015, or 12 years after installation date, but not later than June 1, 2018.
 - Specify that existing stationary area source Tier 3 certified CI engines installed before June 12, 2006, are in compliance with the NESHAP.

Compliance Alternative for Formaldehyde Emissions

- EPA is adding an option for demonstrating the engines can meet the formaldehyde emission standard including:
 - For existing and new SI 4-stroke rich burn (4SRB) non-emergency engines greater than 500 HP located at major sources, showing compliance with the formaldehyde percent reduction standard by demonstrating compliance with a 30 percent reduction of total hydrocarbon emissions.

Stationary CI Engines on Offshore Vessels on the Outer Continental Shelf

- EPA is specifying that existing area source stationary CI non-emergency engines above 300 HP that are on offshore drilling vessels on the Outer Continental Shelf are subject to management practices.

Emergency Engines

- EPA is specifying how NESHAP and NSPS standards will apply to a category of engines called emergency engines.
- Emergency engines may be used to prevent electrical outages and to test and maintain engines for up to a total of 100 hours per year.
- In 2015, emergency engines will be required to use cleaner fuel -- ultra low sulfur diesel (ULSD) -- if they operate, or commit to operate, for more than 15 hours annually as part of blackout and brownout prevention, also known as emergency demand response.
 - Switching to cleaner fuel will reduce emissions of HAP, particulate matter and sulfur dioxide. Our information shows that only a small percentage of emergency engines currently use ULSD fuel. This will result in lower emissions.
- Starting in 2015, entities with 100 horsepower (hp) or larger engines that operate, or commit to operate, for more than 15 hours and up to 100 hours per year for emergency demand response will need to collect and submit an annual report including location, dates and times of operation.
 - Reporting requirements ensure compliance with the regulations and provide information about the air pollution impacts of the engines.
- For a combined total of 100 hours per year, emergency engines can be used for the following purposes:
 - monitoring and testing,
 - emergency demand response for Energy Emergency Alert Level 2 situations,
 - responding to situations when there is at least a 5 percent or more change in voltage, and
 - operating for up to 50 hours to head off potential voltage collapse, or line

overloads, that could result in local or regional power disruption.

- The rules restate that in an emergency, such as hurricane or ice storm, any engine of any size can operate without meeting control requirements or emission limits.
- Emergency engines that commit to run less than 15 hours for emergency demand response can operate without meeting federal control requirements or numeric emission limits.

BENEFITS AND COSTS

- The amendments will reduce the capital and annual costs of the original 2010 rules by \$287 million and \$139 million, respectively. EPA estimates that, with the amendments incorporated, the capital cost of the rules is \$840 million and the annual cost is \$490 million.
- The updated estimated reductions each year starting in 2013 are:
 - 2,800 tons per year (tpy) of HAP,
 - 36,000 tpy of carbon monoxide,
 - 2,800 tpy of particulate matter,
 - 9,600 tpy of nitrogen oxides, and
 - 36,000 tpy of volatile organic compounds.
- EPA estimates the monetized co-benefits of the updated standards to be \$830 million to \$2.1 billion. EPA did not monetize the benefits associated with reducing exposure to air toxics or other air pollutants, ecosystem effects, or visibility impairment.

BACKGROUND

- In 2004, EPA finalized the first regulation for stationary RICE greater than 500 HP located at major sources of HAP. In 2008, EPA finalized regulations for new RICE less than or equal to 500 HP located at major sources and new RICE located at area sources.
- On March 3, 2010, EPA promulgated NESHAP for existing stationary CI RICE that are used at:
 - area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,
 - major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006,
 - major sources of air toxics for non-emergency purposes, have a site rating of greater than 500 HP and constructed or reconstructed before December 19, 2002.
- On August 20, 2010, EPA promulgated NESHAP for existing stationary SI RICE that are used at:
 - area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,

- major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006.
- After the publication of the final rules in 2010, various stakeholders raised a number of issues through lawsuits, petitions for reconsideration of the final rule and other communications. The stakeholders requested that EPA reconsider requirements for operation of emergency engines, the control and monitoring requirements associated with existing SI engines at area sources, the requirements affecting engines in remote areas of Alaska and provisions related to agricultural engines. EPA granted the petitions, and, to address the issues, is making these amendments.
- EPA proposed amendments on May 22, 2012. A public hearing was held in Washington, D.C. on July 10, 2012, and comment was accepted on the proposed amendments through August 9, 2012. EPA has evaluated the issues raised and has made amendments based on our assessment of the comments provided.

FOR MORE INFORMATION

- The rule is posted at: <http://www.epa.gov/ttn/oarpg/new.html>.
- For more information on how to comply with the rule, please see: <http://www.epa.gov/ttn/atw/rice/ricepg.html>.
- Today's rule and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR-2008-0708.
- For further information about the action, contact Melanie King of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-2469 or by email at king.melanie@epa.gov.

January 15, 2013

FACT SHEET

FINAL AMENDMENTS TO THE EMISSION STANDARDS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

Specifics about Provisions Related to Emergency Engines

ACTION

- On January 14, 2013, the Environmental Protection Agency finalized amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE).
- In this rulemaking, EPA addressed several petitions for reconsideration, legal challenges and new technical information from stakeholders, including industry and environmental groups, which were brought to the EPA's attention after publication of the standards in 2010.
- The final amendments will ensure that the standards are cost effective, achievable, and protective.
- The final amendments will reduce particulate matter and sulfur dioxide emissions by requiring the use of cleaner fuel. The EPA has information that the majority of emergency engines do not use the cleaner fuel called ultra low sulfur diesel or ULSD. The EPA expects the reductions to be significant.
- Pollutants emitted from diesel engines are known or suspected of causing cancer and other serious health effects including:
 - Aggravation of respiratory and cardiovascular disease
 - Changes in lung function and increased respiratory symptoms
 - Premature death in people with heart or lung disease
 - Neurological, cardiovascular, liver, kidney health effects, and also effects on immune and reproductive systems.
- Requirements to report annual usage of emergency engines will provide data for EPA and the states to better understand the health impacts and the emissions that result from the engines.
- EPA is also revising the new source performance standards (NSPS) for stationary internal combustion engines to ensure consistency with the RICE NESHAP. In particular, specifying how the NSPS standard will apply to emergency engines used for demand response purposes.

EMERGENCY DEMAND RESPONSE

- EPA is specifying how NESHAP and NSPS standards will apply to a category of engines

called emergency engines.

- Emergency engines may be used to prevent electrical outages and to test and maintain engines for up to a total of 100 hours per year.
- In 2015, emergency engines will be required to use cleaner fuel -- ULSD -- if they operate, or commit to operate, for more than 15 hours annually as part of blackout and brownout prevention.
 - Switching to cleaner fuel will reduce emissions of hazardous air pollutants, particulate matter and sulfur dioxide. Our information shows that only a small percentage of emergency engines currently use ULSD fuel. Using cleaner burning fuel will result in lower emissions.
- Starting in 2015, entities with 100 horsepower (hp) or larger engines that operate, or commit to operate for more than 15 hours and up to 100 hours per year as part of blackout and brownout prevention will need to collect and submit an annual report including location, dates, and times of operation.
 - Reporting requirements ensure compliance with the regulations and provide information about the air pollution impacts of the engines.
- A combined total of 100 hours per year may be used to prevent blackouts and brownouts without meeting emission limits for the following purposes:
 - monitoring and testing,
 - emergency demand response for Energy Emergency Alert Level 2 situations,
 - responding to situations when there is at least a 5 percent or more change in voltage,
 - operating for up to 50 hours to head off potential voltage collapse, or line overloads, that could result in local or regional power disruption.
- The rules restate that in an emergency, such as hurricane or ice storm, any emergency engine of any size can operate without meeting federal control requirements or emission limits.
- Emergency engines that commit to run less than 15 hours year as part of blackout and brownout prevention can operate without meeting federal control requirements or emission limits.

BACKGROUND

- In 2004, EPA finalized the first regulation for stationary RICE greater than 500 HP located at major sources of HAP. In 2008, EPA finalized regulations for new RICE less than or equal to 500 HP located at major sources and new RICE located at area sources.
- On March 3, 2010, EPA promulgated NESHAP for existing stationary compression

ignition RICE that are used at:

- area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,
 - major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006,
 - major sources of air toxics for non-emergency purposes, have a site rating of greater than 500 HP and constructed or reconstructed before December 19, 2002.
- On August 20, 2010, EPA promulgated NESHAP for existing stationary spark ignition (SI) RICE that are used at:
 - area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,
 - major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006.
- After the publication of the final rules in 2010, various stakeholders raised a number of issues through lawsuits, petitions for reconsideration of the final rule and other communications. The stakeholders requested that EPA reconsider standards for operation of emergency engines. EPA granted the petitions, and, to address the issues, is making these amendments.
- EPA proposed amendments on May 22, 2012. A public hearing was held in Washington, D.C. on July 10, 2012, and comment was accepted on the proposed amendments through August 9, 2012. EPA has evaluated the issues raised and has made amendments based on our assessment of the comments provided.

FOR MORE INFORMATION

- The rule is posted at: <http://www.epa.gov/ttn/oarpg/new.html>.
- For more information on how to comply with the rule, please see: <http://www.epa.gov/ttn/atw/rice/ricepg.html>.
- Today's rule and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR-

2008-0708.

- For further information about the action, contact Melanie King of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-2469 or by email at king.melanie@epa.gov.



RE: Pine Bluff, Arkansas STAG funding

Henry Cowles, Lauren (Pryor),
Henry Cowles, Lauren (Pryor) to: Christina Moody, Sven-Erik
Kaiser, Patricia Haman

10/31/2011 02:46 PM

Cc: "Stewart, Lee", Josh Lewis

I am following up again on the below request.
Senator Pryor and Congressman Ross request a meeting
for the afternoon of November 2nd between the City of
Pine Bluff and the appropriate EPA staff to discuss
an FY08 STAG grant.

I would like to schedule a meeting today, as the
requested date is this Wednesday.

Lauren Henry Cowles
Appropriations Legislative Assistant
Senator Mark Pryor
255 Dirksen Senate Office Building
Washington DC 20510

www.pryor.senate.gov

-----Original Message-----

From: Henry Cowles, Lauren (Pryor)
Sent: Friday, October 28, 2011 4:40 PM
To: Moody.Christina@epamail.epa.gov;
Kaiser.Sven-Erik@epamail.epa.gov
Cc: 'Stewart, Lee'; 'Lewis.Josh@epamail.epa.gov'
Subject: RE: Pine Bluff, Arkansas STAG funding

Following up on the below request for a meeting with
the City of Pine Bluff, Arkansas to discuss the
potential rescission of an FY08 STAG grant.

Are there times in the afternoon on Wednesday,
November 2nd that work to have a meeting?

Thank you,
Lauren

Lauren Henry Cowles
Appropriations Legislative Assistant
Senator Mark Pryor
255 Dirksen Senate Office Building
Washington, DC 20510
202.224.2353
Lauren_Cowles@pryor.senate.gov

www.pryor.senate.gov

-----Original Message-----

From: Henry Cowles, Lauren (Pryor)
Sent: Thursday, October 27, 2011 1:27 PM

To: 'Haman.Patricia@epamail.epa.gov'
Cc: 'Stewart, Lee'; Moody.Christina@epamail.epa.gov;
Kaiser.Sven-Erik@epamail.epa.gov;
Lewis.Josh@epamail.epa.gov
Subject: RE: Pine Bluff, Arkansas STAG funding

Ok, great. Thank you, Pat.

Christina and Sven-Erik, we look forward to hearing from you. Please let us know if you need additional information from us.

Lauren Henry Cowles
Appropriations Legislative Assistant
Senator Mark Pryor
255 Dirksen Senate Office Building
Washington, DC 20510

www.pryor.senate.gov

-----Original Message-----

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]
Sent: Thursday, October 27, 2011 12:47 PM
To: Henry Cowles, Lauren (Pryor)
Cc: 'Stewart, Lee'; Moody.Christina@epamail.epa.gov;
Kaiser.Sven-Erik@epamail.epa.gov;
Lewis.Josh@epamail.epa.gov
Subject: Re: Pine Bluff, Arkansas STAG funding

Hi Lauren: I generally work on air and climate issues so I am forwarding your email to Christina Moody, who heads up the Appropriations Team here in EPA's Congressional office and Sven-Erik Kaiser, who heads up our Water Team. I am sure they will make every effort to track this down and work with you and Congressman Ross's staff.

Pat

Patricia Haman
Office of Congressional and Intergovernmental Relations
202-564-2806

From: "Henry Cowles, Lauren (Pryor)"
<Lauren_Cowles@pryor.senate.gov>
To: Patricia Haman/DC/USEPA/US@EPA
Cc: "'Stewart, Lee'"
<Lee.Stewart@mail.house.gov>
Date: 10/27/2011 12:35 PM

Subject: Pine Bluff, Arkansas STAG funding

Hi Patricia -

Senator Pryor and Congressman Ross have been contacted by the City of Pine Bluff, Arkansas, regarding an FY08 STAG grant for water and sewer infrastructure. I've cc'd Lee Stewart in Congressman Ross' office on this email.

It is our understanding that the EPA intends to rescind funding for this grant (\$477K) because the money has not yet been obligated. When the grant was awarded, the city believed that they had five years to obligate the funds. We understand that the EPA was tasked in the FY11 CR with finding \$140 million in rescissions. However, Senator Pryor and Congressman Ross believe that this particular rescission is unfair as it changes the rules in the middle of the process.

Our bosses have asked us to coordinate a meeting between the City of Pine Bluff, the EPA and appropriate Congressional staff. The City of Pine Bluff will be in town on Wednesday, November 2nd. Our office is happy to host the meeting in SD 255. Is there a time that afternoon when the appropriate EPA staff could discuss this issue with the delegation and the City of Pine Bluff?

Thank you,
Lauren

Lauren Henry Cowles
Appropriations Legislative Assistant
Senator Mark Pryor
255 Dirksen Senate Office Building
Washington, DC 20510

www.pryor.senate.gov



EPA/NHTSA announcement of next phase in the national program for light-duty vehicles

Aaron_Suntag, Adam_Christensen,
Josh Lewis to: Adam_durand, Adrian_Deveny,
Adrienne_Wojciechowski, Alan_elias,
Cc: megan.caldwell, Susan.Kirinich, chan.lieu, Patricia Hama

11/16/2011 01:05 PM

Please see below for a press release regarding fuel economy and greenhouse gas pollution standards for Model Year 2017-2025 passenger cars and light trucks. Fact sheet also attached.

NHTSA and EPA staff will be briefing interested Senate staff today at 3:15 in Dirksen 406.

We Can't Wait: Obama Administration Proposes Historic Fuel Economy Standards to Reduce Dependence on Oil, Save Consumers Money at the Pump

Next phase in national program for light-duty vehicles will save consumers thousands of dollars at the pump while saving billions of barrels of oil, curbing pollution, enabling long-term planning for automakers

WASHINGTON, DC - Building on President Obama's historic national program, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) today formally unveiled their joint proposal to set stronger fuel economy and greenhouse gas pollution standards for Model Year 2017-2025 passenger cars and light trucks. Cars, SUVs, minivans, and pickup trucks are currently responsible for nearly 60 percent of U.S. transportation-related petroleum use and greenhouse gas emissions.

Today's announcement is the latest in a series of executive actions the Obama Administration is taking to strengthen the economy and move the country forward because we can't wait for Congressional Republicans to act. When combined with other historic steps this administration has taken to increase energy efficiency, this proposal will save Americans over \$1.7 trillion at the pump, more than \$8,000 per vehicle by 2025. These combined actions also will reduce America's dependence on oil by an estimated 12 billion barrels, and, by 2025, reduce oil consumption by 2.2 million barrels per day - enough to offset almost a quarter of the current level of our foreign oil imports. Taken together, these actions will also slash 6 billion metric tons in greenhouse gas emissions over the life of the programs.

Today's proposed standards alone will slash oil consumption by 4 billion barrels and cut 2 billion metric tons of greenhouse gas pollution over the lifetimes of the vehicles sold in those years.

"These unprecedented standards are a remarkable leap forward in improving fuel efficiency, strengthening national security by reducing our dependence on oil, and protecting our climate for generations to come. We expect this program will not only save consumers money, it will ensure automakers have the regulatory certainty they need to make key decisions that create jobs and invest in the future," said U.S. Transportation Secretary Ray LaHood. "We are pleased that we've been able to work with the auto industry, the states, and leaders in the environmental and labor communities to move toward even tougher standards for the second phase of the President's national program to improve fuel economy and reduce pollution."

"By setting a course for steady improvements in fuel economy over the long term, the Obama administration is ensuring that American car buyers have their choice of the most efficient vehicles ever produced in our country. That will save them money, reduce our nation's oil consumption and cut harmful emissions in the air we breathe," said EPA Administrator Lisa P. Jackson. "This is an important addition to the landmark clean cars program that President Obama initiated to establish fuel economy standards more than two years ago. The progress we made with the help of the auto industry, the environmental community, consumer groups and others will be expanded upon in the years to come -- benefitting the health, the environment and the economy for the American people."

The proposed program for MY 2017-2025 passenger cars and trucks is expected to require increases in fuel efficiency equivalent to 54.5 mpg if all reductions were made through fuel economy improvements. These improvements would save consumers an average of up to \$6,600 in fuel costs over the lifetime of a MY 2025 vehicle for a net lifetime savings of up to \$4,400 after factoring in related increases in vehicle cost. Overall, the net benefit to society from this rule would total more than \$420 billion over the lifetime of the vehicles sold in MY 2017-2025.

Today's action builds on the success of the first phase of the Obama Administration's national program (2012-2016), which will raise fuel efficiency equivalent to 35.5 mpg by 2016 and result in an average light vehicle tailpipe CO₂ level of 250 grams per mile. These standards are already in effect and saving consumers money at the pump now. Combined with 2011 fuel economy standards and the standards in effect for 2012-2016, today's proposal represents the most significant federal action ever taken to reduce greenhouse gas emissions and improve fuel economy. Taken together, these actions would reduce greenhouse gas emissions by half and result in model year 2025 light-duty vehicles with nearly double the fuel economy of model year 2010 vehicles.

The national policy on fuel economy standards and greenhouse gas emissions created by DOT and EPA provides regulatory certainty and flexibility that reduces the cost of compliance for auto manufacturers while reducing oil consumption and harmful air

pollution. By continuing the national program developed for MY 2012-2016 vehicles, EPA and DOT have designed a proposal that allows manufacturers to keep producing a single, national fleet of passenger cars and light trucks that satisfies all federal and California standards. It also ensures that consumers will continue to enjoy a full range of vehicle choices with performance, utility and safety features that meet their individual needs.

The standards will rely on innovative technologies that are expected to spur economic growth and create high-quality jobs across the country. Major auto manufacturers are already heavily invested in developing advanced technologies that can significantly reduce fuel use and greenhouse gas emissions beyond the existing model year 2012-2016 standards. In addition, a wide range of technologies are currently available for automakers to meet the new standards, including advanced gasoline engines and transmissions, vehicle weight reduction, lower tire rolling resistance, improvements in aerodynamics, diesel engines, more efficient accessories, and improvements in air conditioning systems. The standards should also spur manufacturers to increasingly explore electric technologies such as start/stop, hybrids, plug-in hybrids, and electric vehicles. The MY 2017-2025 proposal includes a number of incentive programs to encourage early adoption and introduction of “game changing” advanced technologies, such as hybridization for pickup trucks.

The proposal released today follows President Obama’s announcement in July that the Administration and 13 major automakers representing more than 90 percent of all vehicles sold in the U.S. have agreed to build on the first phase of the national vehicle program. EPA and DOT worked closely with a broad range of stakeholders to develop the proposal – including manufacturers, the United Auto Workers, the State of California, and consumer and environmental groups.

There will be an opportunity for the public to comment on the proposal for 60 days after it is published in the Federal Register. In addition, DOT and EPA plan to hold several public hearings around the country to allow further public input. California plans to issue its proposal for model year 2017-2025 vehicle greenhouse gas standards on December 7 and will finalize its standards in January.

To view NHTSA and EPA’s Notice of Proposed Rulemaking, visit <http://www.nhtsa.gov/fuel-economy>.

For more information, visit <http://www.epa.gov/otaq/climate/regulations.htm> or <http://www.nhtsa.gov/fuel-economy>.



420f11038.pdf

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550



EPA Proposes Clean Air Standards for Harmful Soot Pollution

Aaron_Suntag, Adam_durand,
Josh Lewis to: Adrienne_Wojciechowski, Alice_Yates,
Anne_Fiala, Ali_Nouri, Carrig_balderston,

06/15/2012 10:39 AM

Please see below for the press release (scheduled to go out later this morning) and fact sheet on EPA's proposal to update the PM national ambient air quality standards (NAAQS). Additional information has been posted on the web at: <http://www.epa.gov/pm>

FOR IMMEDIATE RELEASE

June 15, 2012

EPA Proposes Clean Air Standards for Harmful Soot Pollution

99 percent of U.S. counties projected to meet proposed standards without any additional actions

WASHINGTON – In response to a court order, the U.S. Environmental Protection Agency (EPA) today proposed updates to its national air quality standards for harmful fine particle pollution, including soot (known as PM_{2.5}). These microscopic particles can penetrate deep into the lungs and have been linked to a wide range of serious health effects, including premature death, heart attacks, and strokes, as well as acute bronchitis and aggravated asthma among children. A federal court ruling required EPA to update the standard based on best available science. Today's proposal, which meets that requirement, builds on smart steps already taken by the EPA to slash dangerous pollution in communities across the country. Thanks to these steps, 99 percent of U.S. counties are projected to meet the proposed standard without any additional action.

EPA's proposal would strengthen the annual health standard for harmful fine particle pollution (PM_{2.5}) to a level within a range of 13 micrograms per cubic meter to 12 micrograms per cubic meter. The current annual standard is 15 micrograms per cubic meter. The proposed changes, which are consistent with the advice from the agency's independent science advisors, are based on an extensive body of scientific evidence that includes thousands of studies – including many large studies which show negative health impacts at lower levels than previously understood. By proposing a range, the agency will collect input from the public as well as a number of stakeholders, including industry and public health groups, to help determine the most appropriate final standard to protect public health. It is important to note that the proposal has zero effect on the existing daily standard for fine particles or the existing daily standard for coarse particles (PM₁₀), both of which would remain unchanged.

Thanks to recent Clean Air Act rules that have and will dramatically cut pollution, 99 percent of U.S. counties are projected to meet the proposed standards without undertaking any further actions to reduce emissions.

Meanwhile, because reductions in fine particle pollution have direct health benefits including decreased mortality rates, fewer incidents of heart attacks, strokes, and childhood asthma, these standards have major economic benefits with comparatively low costs. Depending on the final level of the standard, estimated benefits will range from \$88 million a year, with estimated costs of implementation as low as

\$2.9 million, to \$5.9 billion in annual benefits with a cost of \$69 million - a return ranging from \$30 to \$86 for every dollar invested in pollution control. While EPA cannot consider costs in selecting a standard under the Clean Air Act, those costs are estimated as part of the careful analysis undertaken for all significant regulations, as required by Executive Order 13563 issued by President Obama in January 2011.

The Clean Air Act requires EPA to review its standards for particle pollution every five years to determine whether the standards should be revised. The law requires the agency to ensure the standards are "requisite to protect public health with an adequate margin of safety" and "requisite to protect the public welfare." A federal court ordered EPA sign the proposed particle pollution standards by June 14, 2012, because the agency did not meet its five-year legal deadline for reviewing the standards.

EPA will accept public comment for 63 days after the proposed standards are published in the Federal Register. The agency will hold two public hearings; one in Sacramento, CA. and one in Philadelphia, PA. Details on the hearings will be announced shortly. EPA will issue the final standards by December 14, 2012.



fsoverview.pdf

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

The National Ambient Air Quality Standards

OVERVIEW OF EPA'S PROPOSAL TO REVISE THE AIR QUALITY STANDARDS FOR PARTICLE POLLUTION (PARTICULATE MATTER)

- On June 14, 2012, the U.S. Environmental Protection Agency (EPA) proposed to strengthen the National Ambient Air Quality Standards (NAAQS) for fine particle pollution, also known as fine particulate matter (PM_{2.5}). The agency also proposed to retain the existing standards for coarse particle pollution (PM₁₀).
- An extensive body of scientific evidence shows that exposure to particle pollution causes premature death and is linked to a variety of significant health problems, such as increased hospital admissions and emergency department visits for cardiovascular and respiratory problems, including non-fatal heart attacks. PM also is linked to the development of chronic respiratory disease.
- People most at risk from fine and coarse particle pollution exposure include people with heart or lung disease (including asthma), older adults, children, and people of lower socioeconomic status. Research indicates that pregnant women, newborns, and people with certain health conditions, such as obesity or diabetes, also may be more susceptible to PM-related effects.
- Particle pollution also causes haze in cities and some of our nation's most treasured national parks.
- Fine particles come from a variety of sources, including vehicles, smokestacks and fires. They also form when gases emitted by power plants, industrial processes, and gasoline and diesel engines react in the atmosphere. Sources of coarse particles include road dust that is kicked up by traffic, some agricultural operations, construction and demolition operations, industrial processes and biomass burning. Emission reductions from EPA rules already on the books will help states meet the proposed revised standards by making significant strides toward reducing fine particle pollution. These include clean diesel rules for vehicles, rules to reduce pollution from power plants and rules to reduce pollution from stationary diesel engines.
- For fine particles, today's proposal would:
 - **Strengthen the annual health standard** for fine particles by setting the standard at a level within the range of 12 micrograms per cubic meter (µg/m³) to 13 µg/m³. The current annual standard, 15 µg/m³, has been in place since 1997.

- **Retain the existing 24-hour fine particle standard**, at $35 \mu\text{g}/\text{m}^3$. EPA set the 24-hour standard in 2006.
- **Set a new, separate fine particle standard to improve visibility**, primarily in urban areas. EPA is proposing two options for this 24-hour standard, at 30 deciviews or 28 deciviews. (A deciview is a yardstick for measuring visibility.)
- **Retain existing secondary standards** for $\text{PM}_{2.5}$ and PM_{10} identical to primary standards to provide protection against other effects, such as ecological effects, effects on materials, and climate impacts.
- EPA's proposed changes to the fine particle standards are consistent with advice from its independent science advisors, the Clean Air Scientific Advisory Committee (CASAC).
- **For coarse particles, today's proposal would retain the existing 24-hour standard.** This standard, with a level of $150 \mu\text{g}/\text{m}^3$, has been in place since 1987.
- EPA examined thousands of studies as part of this review of the standards, including hundreds of new studies published since EPA completed the last review of the standards in 2006. The new evidence includes more than 300 new epidemiological studies, many of which report adverse health effects even in areas that meet the current $\text{PM}_{2.5}$ standards. EPA also considered analyses by agency experts, along with input CASAC, which provided comments at several points throughout the review process..
- As part of EPA's commitment to a transparent, open government, the agency will seek and encourage broad public input in setting this standard that provides critical health protection to millions of Americans.
- The Clean Air Act requires EPA to review the particle pollution standards every five years. The proposed revisions, which are a result of that review, also respond to a court remand of two of the existing $\text{PM}_{2.5}$ standards, which were issued in 2006.

More details about the proposed standards

- The proposal also addresses several issues related to the proposed standards. Among them:
 - To ensure a smooth transition to the new standards., EPA is proposing to grandfather preconstruction permitting applications that have made substantial progress through the review process at the time the final standards are issued;
 - The agency is proposing updates and improvements to the nation's $\text{PM}_{2.5}$ monitoring network that include relocating a small number of monitors to measure fine

particles near heavily traveled roads. EPA proposal does not require additional monitors.

- In addition, the proposal would update the Air Quality Index (AQI) for particle pollution.
- EPA anticipates making attainment/nonattainment designations by December 2014, with those designations likely becoming effective in early 2015.
- States would have until 2020 (five years after designations are effective) to meet the proposed health standards. Most states are familiar with this process and can build off work they are already doing to reduce pollution to help them meet the standards.
- A state may request a possible extension to 2025, depending on the severity of an area's fine particle pollution problems and the availability of pollution controls.
- The Clean Air Act does not specify a date for states to meet secondary PM_{2.5} standards; EPA and states determine that date through the implementation planning process. The same controls that will be installed to meet the primary, health-based standards will also help areas meet the secondary standards. In 2020, we expect virtually all counties will meet the secondary standards without state/local reductions.
- By law, EPA cannot consider costs in setting or revising national ambient air quality standards. However, to inform the public, EPA analyzes the benefits and costs of implementing the standards as required by Executive Order 12866 and guidance from the White House Office of Management and Budget.
- EPA will issue a regulatory impact analysis that estimates the potential benefits and costs of meeting a revised annual health standard in the year 2020. The proposed standards are expected to yield significant health benefits, valued at \$2.3 billion to \$5.9 billion annually for a proposed standard of 12 µg/m³ and \$88 million to \$220 million annually for a proposed standard of 13 µg/m³ – a return of \$30 to \$86 for every dollar invested in pollution control. Estimated costs of implementing the proposal are \$69 million for a proposed standard of 12 µg/m³ and \$2.9 million for a proposed standard of 13 µg/m³.
- EPA will take comment on the proposed rules for nine weeks (63 days) after the proposal is published in the Federal Register. The Agency will hold two public hearings, in Philadelphia and Sacramento, Calif. Details will be announced in a separate notice.
- EPA will issue final standards by Dec. 14 2012.

FOR MORE INFORMATION

- To read the proposed standards and additional summaries, visit <http://www.epa.gov/airquality/particlepollution/actions.html>

Lewis, Josh

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Wednesday, September 18, 2013 2:27 PM
To: Lewis, Josh
Cc: Wood, Jeff (Sessions); Guido Zucconi (gzucconi@ahrinet.org); David Calabrese (dcalabrese@ahrinet.org)
Subject: Sessions-Pryor amdt 1879 - Voluntary Certification Program
Attachments: 20130911_Sessions-Pryor Amendment No 1879_voluntary certification program.pdf

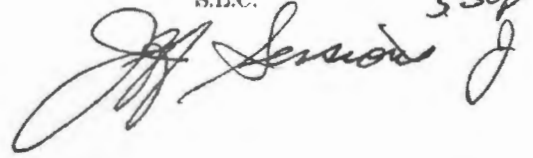
Hi Josh – I tried to summarize EPA’s concerns with the Sessions-Pryor amdt 1879. Jeff Wood and I asked AHRI to respond. We would like to keep Energy Star in the amendment so we would like to work with EPA on modifying the amendment, only if necessary. During our telephone call this morning, I mentioned that we had met with UL and that they are ok with the amendment language.

Below is my summary of EPA’s concerns and AHRI’s response in red. Please let us know if we have answered EPA’s questions or if we need an additional telephone call. Thanks. Stephen 202-228-3063

1. Page 2, line 16 – change to “maintain, or permit the Administrator, in coordination with the voluntary certification programs, to maintain, a publicly available list of all certified models;” – The list should remain open and available to the public. AHRI currently has an extensive directory on its public website that is updated daily.
2. Page 2, lines 18-22. EPA says that Energy Star only requires that 10% of the product family be tested. They note that there are other certification bodies besides AHRI that may not have agreed to this language. – The 20% requirement ensures that in a 5 year period, 100% of all products certified to be Energy Star are verified. Keeping it at 10% would give manufacturers 10 years to ensure Energy Star compliance. Most products do not remain in the marketplace for that long, rendering the program weaker. Currently, the products covered would only be HVAC and water heating, as described in Paragraph A, and already meet that 20% requirement through the AHRI certification programs; manufacturers are comfortable with that kind of scrutiny.
3. Page 3, lines 16-18. This requires all program participants to certify “all” products within the scope of the program. Again, EPA says that Energy Star does not require this. We should clarify that “program” means the voluntary certification program and not Energy Star by changing on page 2, line 13 to “voluntary certification programs (referred to in this paragraph as the “program”)- A unit or product is not Energy Star unless the manufacturer submits it to as such. The manufacturer is not required to submit all products that meet Energy Star levels unless they want to.
4. Page 3, line 23, - change to Standard 17065, when published (alternative language is when available). The standard won’t be available until 2015. AHRI is okay with “when published”.
5. We are okay with adding “or Administrator” wherever the Secretary is mentioned. That implicitly keeps EPA authority over VICPs for Energy Star certified products if this is an EPA concern.

9/11

5:50p



AMENDMENT NO. _____ Calendar No. _____

Purpose: To recognize voluntary certification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

IN THE SENATE

	AMENDMENT NO.	1879
By	Sessions	
To pre	To:	
Referred	S.1392	
	7	
	Page(s)	
GPO: 2012 77-320 (nuc)		

AMENDMENT intended to be proposed by Mr. SESSIONS (for himself and Mr. PRYOR)

Viz:

- 1 On page 47, between lines 16 and 17, insert the fol-
- 2 lowing:
- 3 **SEC. 4. VOLUNTARY CERTIFICATION PROGRAMS FOR**
- 4 **AIR CONDITIONING, FURNACE, BOILER, HEAT**
- 5 **PUMP, AND WATER HEATER PRODUCTS.**
- 6 Section 326(b) of the Energy Policy and Conserva-
- 7 tion Act (42 U.S.C. 6296(b)) is amended by adding at
- 8 the end the following:
- 9 “(6) VOLUNTARY CERTIFICATION PROGRAMS
- 10 FOR AIR CONDITIONING, FURNACE, BOILER, HEAT
- 11 PUMP, AND WATER HEATER PRODUCTS.—

1 “(A) IN GENERAL.—For the purpose of re-
2 ceiving reports from manufacturers certifying
3 compliance with energy conservation standards
4 and Energy Star specifications established
5 under sections 324A, 325, and 342 for covered
6 products described in paragraphs (3), (4), (5),
7 (9), and (11) of section 322(a) and covered
8 equipment described in subparagraphs (B), (C),
9 (D), (F), (I), (J), and (K) of section 340(1),
10 and for the purpose of routine testing to verify
11 the product ratings of the covered products and
12 equipment, the Secretary and Administrator
13 shall rely on voluntary certification programs
14 that—

15 “(i) are nationally recognized;

16 “(ii) maintain a publicly available list
17 of all certified models;

18 “(iii)(I) unless the Secretary allows
19 the verification testing of fewer product *or Administrator*
20 families, annually test at least 20 percent
21 of product families to verify the product
22 ratings of the product families; and

23 “(II) provide to the Secretary a list of
24 product families whose product ratings are
25 to be verified to allow the Secretary, to the

1 maximum extent practicable, to identify
2 any additional models as priorities for
3 verification testing;

4 “(iv) require the changing of product
5 ratings or removal of products from the
6 program to reflect verified test ratings for
7 products that are determined to have rat-
8 ings that do not meet the levels the manu-
9 facturer has certified to the Secretary;

10 “(v) require the qualification of new
11 participants in the program through test-
12 ing and production of test reports;

13 “(vi) allow for challenge testing of
14 products covered within the scope of the
15 program;

16 “(vii) require program participants to
17 certify all products within the scope of the
18 program;

19 “(viii) are conducted by a certification
20 body that is accredited under International
21 Organization for Standardization/ Inter-
22 national Electrotechnical Commission
23 (ISO/IEC) Standard 17065;

24 “(ix) provide to the Secretary—

when published

4

1 “(I) an annual report of all test
2 results;

3 “(II) prompt notification when
4 program testing results in rerating of
5 product performance or delisting of a
6 product; and

7 “(III) test reports on the request
8 of the Secretary;

9 “(x) use verification testing that—

10 “(I) is conducted by an inde-
11 pendent third-party test laboratory
12 that is accredited under International
13 Organization for Standardization/
14 International Electrotechnical Com-
15 mission (ISO/IEC) Standard 17025
16 with a scope covering the tested prod-
17 ucts;

18 “(II) follows the test procedures
19 established under this title; and

20 “(III) notes in each test report
21 any instructions specified by the man-
22 ufacturer or the representative of the
23 manufacturer for the purpose of con-
24 ducting the verification testing; and

1 “(xi) satisfy such other requirements
2 as the Secretary has determined—

3 “(I) are essential to ensure
4 standards compliance; or

5 “(II) have consensus support
6 achieved through a negotiated rule-
7 making process.

8 “(B) ADMINISTRATION.—

9 “(i) IN GENERAL.—The Secretary
10 shall not require—

11 “(I) manufacturers to participate
12 in a voluntary certification program
13 described in subparagraph (A); or

14 “(II) participating manufacturers
15 to provide information that can be ob-
16 tained through a voluntary certifi-
17 cation program described in subpara-
18 graph (A).

19 “(ii) REDUCTION OF REQUIRE-
20 MENTS.—Any rules promulgated by the
21 Secretary that require testing of products
22 for verification of product ratings shall re-
23 duce requirements and burdens for manu-
24 facturers participating in a voluntary cer-
25 tification program described in subpara-

graph (A) for the products relative to other manufacturers.

“(iii) PERIODIC TESTING BY PROGRAM NONPARTICIPANTS.—In addition to certification requirements, the Secretary shall require a manufacturer that does not participate in a voluntary certification program described in subparagraph (A)—

“(I) to verify the accuracy of the product ratings of the manufacturer through periodic testing using verification testing described in subparagraph (A)(x); and

“(II) to provide to the Secretary test results and, on request, test reports verifying the certified performance for each product family of the manufacturer.

“(iv) RESTRICTIONS ON TEST LABORATORIES.—

“(I) IN GENERAL.—Subject to subelause (II), with respect to covered products and equipment, a voluntary certification program described in subparagraph (A) shall not be a test

1 laboratory that conducts the testing
2 on products covered within the scope
3 of the program.

4 “(II) LIMITATION.—Subclause
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6 specifications established under sec-
7 tion 324A.

8 “(v) EFFECT ON OTHER AUTHOR-
9 ITY.—Nothing in this paragraph limits the
10 authority of the Secretary to test products
11 or to enforce compliance with any law (in-
12 cluding regulations).”.

Lewis, Josh

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Tuesday, October 22, 2013 12:07 PM
To: Lewis, Josh
Subject: FW: Sessions-Pryor amdt 1879 - Voluntary Certification Program
Attachments: 20131017_Sessions-Pryor Amdt 1879 with EPA and AHRI edits.pdf

Hi Josh- I spoke with Robert Diznoff in Senator Shaheen's office who said they are looking at including the attached Sessions-Pryor amdt in a new base bill. In September, we exchanged the below emails regarding changes to the amdt. I think there are only 2 changes that need to be made to the amendment 1879, as filed.

1. On page 2, line 18 add "or Administrator"
2. On page 3, line 23, add "when published"

Senators Pryor and Sessions and AHRI are ok with these changes. If they are acceptable to EPA, I would like to send the modified amdt to Robert so that it can be included in the next Shaheen-Portman base bill. Please let me know. Thanks. Stephen 8-3063

From: Lewis, Josh [<mailto:Lewis.Josh@epa.gov>]
Sent: Thursday, September 19, 2013 11:12 AM
To: Lehrman, Stephen (Pryor)
Cc: Wood, Jeff (Sessions)
Subject: RE: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Thank you, the answers below address our concerns....with one addition (that may already be addressed in point 5, but just in case):

Section (iii)(I) unless the Secretary [OR ADMINISTRATOR] allows verification testing of fewer product families.....

Josh Lewis
EPA/Office of Congressional and Intergovernmental Relations
Desk: 202 564 2095

Ep 6

From: Lehrman, Stephen (Pryor) [mailto:Stephen_Lehrman@pryor.senate.gov]
Sent: Wednesday, September 18, 2013 2:27 PM
To: Lewis, Josh
Cc: Wood, Jeff (Sessions); Guido Zucconi (gzuconni@ahrinet.org); David Calabrese (dcalabrese@ahrinet.org)
Subject: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Hi Josh – I tried to summarize EPA's concerns with the Sessions-Pryor amdt 1879. Jeff Wood and I asked AHRI to respond. We would like to keep Energy Star in the amendment so we would like to work with EPA on modifying the amendment, only if necessary. During our telephone call this morning, I mentioned that we had met with UL and that they are ok with the amendment language.

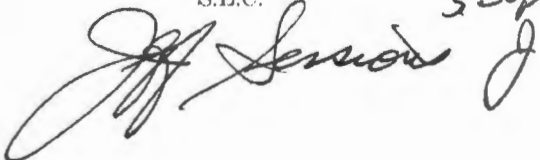
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2. Page 2, lines 18-22. EPA says that Energy Star only requires that 10% of the product family be tested. They note that there are other certification bodies besides AHRI that may not have agreed to this language. – The 20% requirement ensures that in a 5 year period, 100% of all products certified to be Energy Star are verified. Keeping it at 10% would give manufacturers 10 years to ensure Energy Star compliance. Most products do not remain in the marketplace for that long, rendering the program weaker. Currently, the products covered would only be HVAC and water heating, as described in Paragraph A, and already meet that 20% requirement through the AHRI certification programs; manufacturers are comfortable with that kind of scrutiny.
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9/11

5:50p



AMENDMENT NO. _____

Calendar No. _____

Purpose: To recognize voluntary certification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

IN THE SENATE

AMENDMENT N^o 1879

By

Sessions

To propose

To:

S.1392

Referred to

7

Page(s)

GPO: 2012 77-320 (mac)

AMENDMENT intended to be proposed by Mr. SESSIONS (for himself and Mr. PRYOR)

Viz:

1 On page 47, between lines 16 and 17, insert the fol-
2 lowing:

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5 PUMP, AND WATER HEATER PRODUCTS.

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7 tion Act (42 U.S.C. 6296(b)) is amended by adding at
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11 PUMP, AND WATER HEATER PRODUCTS.—

“(A) IN GENERAL.—For the purpose of receiving reports from manufacturers certifying compliance with energy conservation standards and Energy Star specifications established under sections 324A, 325, and 342 for covered products described in paragraphs (3), (4), (5), (9), and (11) of section 322(a) and covered equipment described in subparagraphs (B), (C), (D), (F), (I), (J), and (K) of section 340(1), and for the purpose of routine testing to verify the product ratings of the covered products and equipment, the Secretary and Administrator shall rely on voluntary certification programs that—

“(i) are nationally recognized;

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“(iii)(I) unless the Secretary allows the verification testing of fewer product families, annually test at least 20 percent of product families to verify the product ratings of the product families; and

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1 maximum extent practicable, to identify
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11 pendent third-party test laboratory
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15 mission (ISO/IEC) Standard 17025
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9 ITY.—Nothing in this paragraph limits the
10 authority of the Secretary to test products
11 or to enforce compliance with any law (in-
12 cluding regulations).”.

Lewis, Josh

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Saturday, March 16, 2013 10:37 AM
To: Lewis, Josh; Bradley, Becca (Pryor)
Subject: Re: Gina McCarthy call w/ Senator Pryor

Please call Becca at _____ or email.

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Friday, March 15, 2013 02:31 PM Eastern Standard Time
To: Lehrman, Stephen (Pryor)
Subject: Gina McCarthy call w/ Senator Pryor

Hi Stephen,

Gina is interested in a quick call w/ Senator Pryor during the recess weeks (this wouldn't be in place of an in person meeting, which we'd hope to schedule at a later date). Is this possible? If so, can you please connect me w/ the right person in your office to find a time? Thanks.

Josh Lewis
EPA/Office of Congressional and Intergovernmental Relations
Desk: 202 564 2095

Exple

Lewis, Josh

From: Lehrman, Stephen (Pryor) <Stephen_Lehrman@pryor.senate.gov>
Sent: Monday, October 28, 2013 4:25 PM
To: Lewis, Josh
Cc: Wood, Jeff (Sessions)
Subject: RE: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Hi Josh – we discussed EPA’s suggested changes with AHRI and there still seems to be some confusion regarding the legislative language. Would EPA staff be available for a conference call this Wednesday at 10 am to discuss the amendment and EPA’s suggested changes? On the call would be Jeff, myself, AHRI, Rheem, and Lennox. Please let me know and I will arrange a call in number. Thanks. Stephen 202-228-3063

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Wednesday, October 23, 2013 2:02 PM
To: Lehrman, Stephen (Pryor)
Subject: RE: Sessions-Pryor amdt 1879 - Voluntary Certification Program

We took a fresh look at this and wanted to raise the following two points (both of which I think we discussed last month). In the attached, we added suggested language addressing these issues:

- (1) On the issue of maintaining a publicly available list of certified models, we are not contemplating taking over the lists AHRI currently maintains. We need to preserve the ability for other voluntary certification programs, certifying ENERGY STAR models in these categories, to simply provide input to our lists.
- (2) We remain concerned about the requirement that a given certification program must require participants certify all products within the scope of the program. For ENERGY STAR, we want to preserve our partners ability to use different certifiers for different models.

We also added a few more references to the Administrator.

Take a look and let me know if you want to discuss further.

Josh Lewis
EPA/Office of Congressional and Intergovernmental Relations
Desk: 202 564 2095



From: Lehrman, Stephen (Pryor) [mailto:Stephen_Lehrman@pryor.senate.gov]
Sent: Tuesday, October 22, 2013 12:07 PM
To: Lewis, Josh
Subject: FW: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Hi Josh- I spoke with Robert Diznoff in Senator Shaheen’s office who said they are looking at including the attached Sessions-Pryor amdt in a new base bill. In September, we exchanged the below emails regarding changes to the amdt. I think there are only 2 changes that need to be made to the amendment 1879, as filed.

1. On page 2, line 18 add “or Administrator”
2. On page 3, line 23, add “when published”

Senators Pryor and Sessions and AHRI are ok with these changes. If they are acceptable to EPA, I would like to send the modified amdt to Robert so that it can be included in the next Shaheen-Portman base bill. Please let me know. Thanks. Stephen 8-3063

From: Lewis, Josh [<mailto:Lewis.Josh@epa.gov>]
Sent: Thursday, September 19, 2013 11:12 AM
To: Lehrman, Stephen (Pryor)
Cc: Wood, Jeff (Sessions)
Subject: RE: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Thank you, the answers below address our concerns....with one addition (that may already be addressed in point 5, but just in case):

Section (iii)(I) unless the Secretary [OR ADMINISTRATOR] allows verification testing of fewer product families.....

Josh Lewis
EPA/Office of Congressional and Intergovernmental Relations
Desk: 202 564 2095

Exple

From: Lehrman, Stephen (Pryor) [mailto:Stephen_Lehrman@pryor.senate.gov]
Sent: Wednesday, September 18, 2013 2:27 PM
To: Lewis, Josh
Cc: Wood, Jeff (Sessions); Guido Zucconi (gzucconi@ahrinet.org); David Calabrese (dcalabrese@ahrinet.org)
Subject: Sessions-Pryor amdt 1879 - Voluntary Certification Program

Hi Josh – I tried to summarize EPA's concerns with the Sessions-Pryor amdt 1879. Jeff Wood and I asked AHRI to respond. We would like to keep Energy Star in the amendment so we would like to work with EPA on modifying the amendment, only if necessary. During our telephone call this morning, I mentioned that we had met with UL and that they are ok with the amendment language.

Below is my summary of EPA's concerns and AHRI's response in red. Please let us know if we have answered EPA's questions or if we need an additional telephone call. Thanks. Stephen 202-228-3063

1. Page 2, line 16 – change to “maintain, or permit the Administrator, in coordination with the voluntary certification programs, to maintain, a publicly available list of all certified models;”
– The list should remain open and available to the public. AHRI currently has an extensive directory on its public website that is updated daily.
2. Page 2, lines 18-22. EPA says that Energy Star only requires that 10% of the product family be tested. They note that there are other certification bodies besides AHRI that may not have agreed to this language. – The 20% requirement ensures that in a 5 year period, 100% of all products certified to be Energy Star are verified. Keeping it at 10% would give manufacturers 10 years to ensure Energy Star compliance. Most products do not remain in the marketplace for that long, rendering the program weaker. Currently, the products covered would only be HVAC and water heating, as described in Paragraph A, and already meet that 20% requirement through the AHRI certification programs; manufacturers are comfortable with that kind of scrutiny.
3. Page 3, lines 16-18. This requires all program participants to certify “all” products within the scope of the program. Again, EPA says that Energy Star does not require this. We should clarify that “program” means the voluntary certification program and not Energy Star by changing on page 2, line 13 to “voluntary certification programs (referred to in this paragraph as the “program”)- A unit or product is not Energy Star unless the manufacturer submits it to as

such. The manufacturer is not required to submit all products that meet Energy Star levels unless they want to.

4. Page 3, line 23, - change to Standard 17065, when published (alternative language is when available). The standard won't be available until 2015. AHRI is okay with "when published".
5. We are okay with adding "or Administrator" wherever the Secretary is mentioned. That implicitly keeps EPA authority over VICPs for Energy Star certified products if this is an EPA concern.